

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RICHARD JOHNSTON, et al.,

Plaintiffs

v.

NEVADA DEPARTMENT OF  
CORRECTIONS,

Defendant

Case No. 3:23-cv-00521-MMD-CLB

**ORDER**

On October 26, 2023, Plaintiff Richard Johnston, an inmate in the custody of the Nevada Department of Corrections, submitted a document titled “Motion of Request of Grievance Copies According to AR 740.02.” (ECF No. 1-1). But Plaintiff has not filed a complaint. And Plaintiff has neither paid the full \$402 filing fee for this civil action nor applied to proceed *in forma pauperis*. (See ECF No. 1).

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Nevada Local Rule LSR 2-1 provides that “[a] civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a). Plaintiff’s motion is not a complaint because it does not contain substantially all the information called for by the Court’s form.

Moreover, this Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a

1 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is  
2 properly signed by both the inmate and a prison or jail official; and (3) a copy of the  
3 **inmate's prison or jail trust fund account statement for the previous six-month**  
4 **period**. See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2.

5 For the foregoing reasons, it is ordered that Plaintiff will submit a signed complaint  
6 to this Court **on or before December 29, 2023**.

7 It is further ordered that, **on or before December 29, 2023**, Plaintiff will either pay  
8 the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with  
9 all three required documents: a completed application with the inmate's two signatures  
10 on page 3, a completed financial certificate that is signed both by the inmate and the  
11 prison or jail official, and a copy of the inmate's trust fund account statement for the  
12 previous six-month period.

13 It is further ordered that if Plaintiff fails to timely comply with this order, this action  
14 will be subject to dismissal without prejudice. A dismissal without prejudice allows Plaintiff  
15 to refile the case with the Court, under a new case number, when he can file a signed  
16 complaint and either pay the required filing fee or apply for *in forma pauperis* status.

17 It is further ordered that the Clerk of the Court will send Plaintiff Richard Johnston  
18 the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same,  
19 the approved form application to proceed *in forma pauperis* for an inmate and instructions  
20 for the same, and a copy of his initiating documents (ECF No. 1-1).

21 DATED THIS 30th day of October 2023.

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UNITED STATES MAGISTRATE JUDGE